

REMARKS

Claims 1-64 are pending in this application, claims 31-55 being withdrawn. By this Amendment, claims 1-8, 10-12, 19, 20, 24, 30, 31, 34-38, 56-58 and 63 are amended.

Support for the amendments to claims 1, 2, 31, 34, 56 and 57 can be found at least in Figs. 6 and 7, and the corresponding description in the specification. Claims 3-8, 10-12, 19, 20, 24, 30, 35-38, 56-58 and 63 are amended for form. No new matter is added.

The courtesies extended to Applicants' representative by Examiner Bowers at the interview held August 26, 2008, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

I. Claim 63 Satisfies the Requirements of 35 U.S.C. §112, Second Paragraph

Claim 63 is rejected under 35 U.S.C. §112, second paragraph. By this Amendment, claim 63 is amended responsive to the rejection, and thus satisfies the requirements of 35 U.S.C. §112, second paragraph. Withdrawal of the rejection is thus respectfully requested.

II. The Claims Define Patentable Subject Matter

A. §102(e) Rejection Over Gremel

Claims 1-4 and 12 is rejected under 35 U.S.C. §102(e) over Gremel et al. (U.S. Patent No. 6,918,887) (hereinafter "Gremel"). The rejection is respectfully traversed.

Gremel does not teach every feature of independent claim 1. Gremel does not teach a plurality of channels being formed within the housing, each of the plurality of channels being in fluid communication with one of the first chamber opening, the second chamber opening and the third chamber opening, as recited in independent claim 1.

The Office Action asserts that "the outer shell of the chamber walls is considered to represent a housing such that the first, second and third openings cause fluid to move through the chamber and housing." However, as agreed during the personal interview, the walls of the

alleged chamber, filter 30, of Gremel do not have a plurality of channels formed within that communicates with the alleged chamber openings, inlet 44, purge port 34, and outlet 48. Rather, Gremel merely discloses that blood enters the filter 30 through an inlet 44 and is drawn through the filter element 46 and into the outlet 48 by the action of the pump 46. See col. 2, line - col. 3, line 2 of Gremel. There are no channels formed within the "outershell" in Gremel. Thus, as agreed during the personal interview, Gremel does not disclose a plurality of channels, each of which is in fluid communication with one of the chamber openings, as recited in independent claim 1.

Thus, for at least these reasons, independent claim 1 is patentable over Gremel. Further, claims 2-4 and 12 are also patentable over Gremel, for at least the reasons discussed above, as well as for the additional features they recite.

For example, Gremel does not disclose a chamber structured to allow uninhibited fluid communication between the chamber openings, as recited in claim 2. Rather, Gremel discloses that all blood must pass through the filter, which would inhibit the fluid communication between the inlet 44 and outlet 48. See col. 2, lines 40-41 of Gremel. Thus, Gremel also does not disclose the chamber recited in claim 2.

Withdrawal of the rejection is thus respectfully requested.

B. Rejections Over Fahy

Claims 1-4, 10-12, 18, 56-58, 63 and 64 are rejected under 35 U.S.C. §102(b) over Fahy (U.S. Patent No. 5,586,438); and claims 13-17 and 59-63 are rejected under 35 U.S.C. §103(a) over Fahy and further in view of Sadri (U.S. Patent No. 5,494,822). The rejections are respectfully traversed.

As agreed during the personal interview, Fahy does not teach the features of independent claims 1 and 56. Thus, as agreed during the personal interview, the rejections

over Fahy will be withdrawn. Accordingly, the rejections are moot. Withdrawal of the rejections is thus respectfully requested.

C. §103(a) Rejection Over Barbera-Guillem

Claims 1-12, 18-30 and 56-58 are rejected under 35 U.S.C. §103(a) over Barbera-Guillem (U.S. Patent Application Publication No. 2004/0029266). The rejection is respectfully traversed.

Barbera-Guillem does not teach or render obvious the features of independent claims 1 and 56. As agreed during the personal interview, Barbera-Guillem does not teach or render obvious a plurality of channels being formed within the housing, each of the plurality of channels being in fluid communication with one of the first chamber opening, the second chamber opening and the third chamber opening, as recited in independent claim 1, and as similarly recited in independent claim 56.

The Office Action asserts that Barbera-Guillem discloses a chamber (chamber 170), that has a first opening (distal lumen port 300) and a second opening (connect segments 498). However, as argued during the personal interview, the chamber 170 is merely an area that is defined by the walls 110 and 140 of the flask 100. See paragraph [0145] of Barbera-Guillem. Barbera-Guillem does not disclose a chamber having walls with openings as recited in independent claims 1 and 56. Moreover, the distal lumen port 300 and the distal connect segments 498 of Barbera-Guillem are merely tubing that is located within the chamber 170 and is connected to the ports of the flask 100. Barbera-Guillem does not disclose a chamber housing that has a plurality of channels formed in it. Thus, as agreed during the personal interview, Barbera-Guillem does not disclose a plurality channels that are formed within a housing that allows fluid communication with the openings of the chamber, as recited in independent claim 1, and as similarly recited in independent claim 56.

Thus, for at least these reasons, independent claims 1 and 56 are patentable over Barbera-Guillem. Further, claims 2-12, 18-30, 57 and 58, which depend from claims 1 and 56, are also patentable over Barbera-Guillem, for at least the reasons discussed above, as well as for the additional features they recite. Withdrawal of the rejection is thus respectfully requested.

III. Rejoinder of Withdrawn Claims

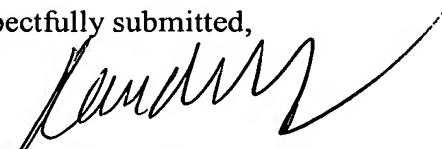
Applicants respectfully request rejoinder of withdrawn independent claim 31, upon the allowance of at least independent claim 1. Independent claim 31 include features similar to those recited in independent claim 1. Thus, upon allowance of claim 1, rejoinder and allowance of claim 31, and the claims depending therefrom, are respectfully requested. See MPEP §821.04.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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